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LB 113

to go to court in this state and other states if it is passed. I don't think there's any reason for Nebraska to lead the parade into the courtroom on this issue. I think we should wait until it's decided by other states as to just what the commerce clause of our federal Constitution restricts states from doing. I'm convinced, from reading the cases myself, that it is unconstitutional for the state of Nebraska to require out-of-state companies that have no presence, physical presence, in this state to file in effect very, very complex tax returns with our Department of Revenue, and the actual upshot of it's going to be they simply are not going to do it because their legal counsel are going to tell them they don't have to because the requirement's unconstitutional until some court rules otherwise. I think we should wait until these legal questions of constitutionality are determined or until Congress acts, and in the meantime if we want to correct...collect use tax, and Senator Coordsen hit the nail right on the head, we have a lot of people go out of state and buy equipment and property, clothing, that type of thing, I think we should add it to our income tax return and say, okay, Nebraska citizens, sign on the dotted line; tell us how much money you spent out of state and pay your use tax, and let's collect some real money to help us rather than just some figures. I would urge that we return this bill and then pass the motion to strike its enacting clause and kill the bill. Thank you.

PRESIDENT ROBAK: Thank you, Senator Matzke. The question before the body is the motion to return LB 113 to Select File. All those in favor vote aye; all those opposed vote nay.

SENATOR MATZKE: (Microphone not activated)...I would ask that the members check in and there be a roll call.

PRESIDENT ROBAK: Thank you, Senator Matzke. There's been a request that senators check in. Senator Bohlke, Senator Don Pederson, Senator Hudkins, Senator Suttle, will you check in. Senator Cudaback, Senator Landis, Senator Withem, Senator Brashear, Senator Robinson, Senator Robak, will you check in, please. Senator Tyson, Senator McKenzie. Senator Bohlke, Senator Withem, Senator Cudaback. Senator Withem and Senator Bohlke. While the Legislature's in session and capable of transacting business I propose to sign and do hereby sign